

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 107

SENATE BILL 1311

AN ACT

AMENDING SECTIONS 32-4001, 32-4002, 32-4003, 32-4004, 32-4005, 32-4006, 32-4007, 32-4021, 32-4022, 32-4025, 32-4041 AND 32-4042, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 32, CHAPTER 40, ARIZONA REVISED STATUTES, TO "BOARD OF CERTIFIED REPORTERS"; RELATING TO CERTIFIED REPORTERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-4001, Arizona Revised Statutes, is amended to
3 read:

4 32-4001. Scope of chapter

5 This chapter ~~does not apply~~ APPLIES to persons, entities or courts that
6 use ~~nonstenographic~~ STENOGRAPHIC OR VOICE WRITING means of recording BUT DOES
7 NOT APPLY TO OTHER MEANS OF RECORDING. This chapter does not limit the
8 contempt powers of the court or the authority of the court to discipline
9 court employees.

10 Sec. 2. Section 32-4002, Arizona Revised Statutes, is amended to read:

11 32-4002. Definitions

12 In this chapter, unless the context otherwise requires:

13 1. "Board" means the board of certified ~~court~~ reporters.

14 2. "Certification" means a standard certificate that is issued by the
15 board to a person who meets the requirements of sections 32-4021 and 32-4022
16 and does not include a temporary certificate.

17 3. "Certified ~~court~~ reporter" means a person who is certified by the
18 board and who records and transcribes a verbatim record in any sworn
19 proceeding by means of written symbols or abbreviations in shorthand, ~~or~~
20 machine writing OR VOICE WRITING.

21 4. "Certify" means board authorization to engage in activities
22 regulated by the board.

23 5. "Report" means to stenographically OR BY VOICE WRITING record and
24 transcribe sworn proceedings.

25 6. "VOICE WRITING" MEANS THE MAKING OF A VERBATIM RECORD OF THE SPOKEN
26 WORD BY MEANS OF REPEATING THE WORDS OF THE SPEAKER INTO A DEVICE THAT IS
27 CAPABLE OF DIGITAL TRANSLATION INTO TEXT.

28 Sec. 3. Section 32-4003, Arizona Revised Statutes, is amended to read:

29 32-4003. Reporter certification; violation

30 ~~A. Beginning July 1, 2000, A person shall not engage in the~~
31 ~~stenographic reporting of~~ REPORT proceedings in any court in this state and
32 shall not ~~take stenographic~~ REPORT depositions in this state for use in any
33 court in this state unless the person is certified pursuant to this chapter.

34 ~~B. Beginning July 1, 2000, A certified court reporter shall sign and~~
35 certify each transcript that the certified ~~court~~ reporter prepares before the
36 transcript may be used in court, except for transcripts that the ~~court~~
37 reporter prepares for proceedings that occurred before July 1, 2000.

38 ~~C. Beginning July 1, 2000, A certified court reporter shall include~~
39 the title "certified ~~court~~ reporter" OR THE ABBREVIATION "CR" and the
40 reporter's certificate number on the title or cover page of any transcript,
41 on any business card, advertisement or letterhead and on the certificate of
42 any transcript.

43 ~~D. Beginning July 1, 2000, It is unlawful for any person who is not~~
44 certified pursuant to this chapter to represent oneself as a certified ~~court~~
45 reporter.

1 Sec. 4. Section 32-4004, Arizona Revised Statutes, is amended to read:
2 32-4004. Board of certified reporters

3 A. The board of certified ~~court~~ reporters is established consisting of
4 the following members:

5 1. The chief justice of the supreme court or the chief justice's
6 designee.

7 2. One judge of the court of appeals who is appointed by the chief
8 justice of the supreme court.

9 3. One superior court judge who is appointed by the chief justice of
10 the supreme court.

11 4. Two ~~court~~ CERTIFIED reporters who are residents of this state, who
12 have been official court reporters for at least five years and who are
13 appointed by the chief justice of the supreme court.

14 5. Two ~~court~~ CERTIFIED reporters who are residents of this state, who
15 have been freelance ~~court~~ reporters for at least five years and who are
16 appointed by the chief justice of the supreme court.

17 6. One attorney who is a resident of this state, who has been licensed
18 to practice law in this state for at least five years and who is appointed by
19 the chief justice of the supreme court.

20 7. One public member who ~~has been a resident of this state for at~~
21 ~~least five years and who~~ is appointed by the chief justice of the supreme
22 court.

23 B. Members who are appointed pursuant to subsection A, paragraphs 2
24 through 7 serve five year terms. The chief justice shall fill a vacancy for
25 any unexpired portion of a term in the same manner as the original
26 appointment.

27 C. A majority of the members shall elect a chairperson.

28 D. Public members of the board are not eligible to receive
29 compensation but are eligible to receive reimbursement for expenses pursuant
30 to title 38, chapter 4, article 2.

31 E. The board shall assure that a record of its meetings and all
32 official actions, a register of all applicants for certification and a roster
33 of all certified ~~court~~ reporters ~~is~~ ARE maintained. The board shall
34 designate the location where it maintains the register and roster.

35 Sec. 5. Section 32-4005, Arizona Revised Statutes, is amended to read:
36 32-4005. Program administration; duties

37 A. The supreme court shall:

38 1. Administer the ~~court~~ reporter certification program.

39 2. Adopt rules.

40 3. Establish and collect fees, costs and ~~finer~~ PENALTIES that are
41 necessary for the implementation and enforcement of the program.

42 B. The board shall:

43 1. Make recommendations to the supreme court regarding rules, policies
44 and procedures to implement and enforce this chapter, including the
45 following:

- 1 (a) Applicant testing.
- 2 (b) Fees.
- 3 (c) A code of conduct.
- 4 (d) Continuing education.
- 5 (e) Any other matter pertaining to certified ~~court~~ reporters.

6 2. Determine through testing and other means an applicant's ability to
7 make a verbatim record of proceedings that may be used in any court by means
8 of written symbols or abbreviations in shorthand, ~~or~~ machine writing OR VOICE
9 WRITING.

10 3. Issue certificates to qualified applicants.

11 4. Investigate and take disciplinary action pursuant to section
12 32-4006.

13 5. Require each applicant to submit a full set of fingerprints to the
14 supreme court for the purpose of obtaining a state and federal criminal
15 records check pursuant to section 41-1750 and Public Law 92-544. The
16 department of public safety may exchange this fingerprint data with the
17 federal bureau of investigation.

18 Sec. 6. Section 32-4006, Arizona Revised Statutes, is amended to read:
19 32-4006. Enforcement and disciplinary procedures

20 A. On its own motion or on receipt of a complaint, the board shall
21 investigate, prosecute and adjudicate alleged violations of this chapter, as
22 appropriate, and may conduct any investigation that would aid in the
23 enforcement of this chapter.

24 B. For the purposes of investigations or hearings under this chapter,
25 the board may administer oaths and affirmations, subpoena witnesses, take
26 evidence and require the production of documents, records or information,
27 either kept in original form or electronically stored or recorded, or other
28 items that are relevant or material to the inquiry.

29 C. If a person refuses to obey a subpoena issued pursuant to this
30 section, the board may request the superior court to issue an order that
31 requires the appearance by a person or the production of documents or other
32 items, or both. The court may treat the failure to obey the order as
33 contempt of court and may punish the contempt.

34 D. The board shall impose cease and desist orders, issue letters of
35 concern or warnings or order revocation or suspension of certification for
36 violations of this article and assess costs and ~~finer~~ PENALTIES associated
37 with these activities. These costs and ~~finer~~ PENALTIES shall be deposited in
38 the ~~court~~ CERTIFIED reporters fund established by section 32-4007.

39 Sec. 7. Section 32-4007, Arizona Revised Statutes, is amended to read:
40 32-4007. Certified reporters fund; report

41 A. The ~~court~~ CERTIFIED reporters fund is established consisting of
42 fees, costs and ~~finer~~ PENALTIES collected pursuant to sections 32-4005,
43 32-4006 and 32-4008 and monies appropriated to the fund. The supreme court
44 shall administer the fund.

1 B. Monies deposited in the fund are continuously appropriated and are
2 exempt from the provisions of section 35-190 relating to lapsing of
3 appropriations.

4 C. The supreme court may receive and expend monies from the fund for
5 the purposes of this chapter.

6 D. On notice from the supreme court, the state treasurer shall invest
7 and divest monies in the fund as provided by section 35-313, and monies
8 earned from investment shall be credited to the fund.

9 Sec. 8. Section 32-4021, Arizona Revised Statutes, is amended to read:

10 32-4021. Standard certification qualifications; application

11 A. An applicant for standard certification as a certified court
12 reporter shall apply on approved forms and, at a minimum, shall:

13 1. Be at least eighteen years of age.

14 2. Be a citizen or legal resident of the United States.

15 3. Satisfy the requirements of section 32-4022.

16 4. Be of good moral character.

17 5. Possess a high school diploma or general equivalency diploma or a
18 similar document or certificate.

19 6. Pursuant to rules adopted by the supreme court, demonstrate
20 reasonable proficiency in making verbatim records of trial or judicial or
21 related proceedings.

22 7. Comply with the laws and rules and orders adopted by the supreme
23 court governing court CERTIFIED reporters in this state.

24 8. Pay the fees established pursuant to section 32-4008.

25 9. Submit a full set of fingerprints with the fee prescribed in
26 section 41-1750 to the supreme court for the purpose of obtaining a state and
27 federal criminal records check pursuant to section 41-1750 and Public Law
28 92-544.

29 B. If the board is satisfied that an applicant meets the requirements
30 of this section and section 32-4022, the supreme court shall issue a
31 certificate to the applicant. The board may refuse to issue a certificate if
32 section 32-4024 applies.

33 Sec. 9. Section 32-4022, Arizona Revised Statutes, is amended to read:

34 32-4022. Examination; requirements; exemption

35 A. A person shall not be admitted to an examination without presenting
36 satisfactory evidence to the board that before the date on which the
37 application for an examination was filed the person has done at least one of
38 the following:

39 1. Obtained one year of experience in making verbatim records of
40 meetings, conferences, hearings or judicial or related proceedings by means
41 of written symbols or abbreviations in shorthand, or machine writing OR VOICE
42 WRITING and in transcribing these records.

43 2. Obtained a verified certificate of the satisfactory completion of a
44 prescribed course of study from a court reporting school or a certificate
45 from a school that evidences the equivalent proficiency and the ability to

1 make a verbatim record of material that is dictated pursuant to rules adopted
2 by the supreme court.

3 3. Obtained a national court reporters association's registered
4 professional reporter or registered merit reporter certificate.

5 4. Obtained a valid certificate to practice court reporting that is
6 issued by a state other than this state if the other state's requirements and
7 certifying examination are substantially similar to or more stringent than
8 those in this state.

9 5. Demonstrated reasonable proficiency in making verbatim records of
10 trial or judicial or other related proceedings by passing an approved
11 examination for certification pursuant to rules adopted by the supreme court.

12 B. The examination for certification consists of the following two
13 parts:

14 1. A national court reporters association's registered professional
15 reporter examination, A NATIONAL VERBATIM REPORTERS ASSOCIATION'S CERTIFIED
16 VERBATIM REPORTERS ASSOCIATION EXAMINATION or an alternative demonstration of
17 proficiency approved by the supreme court.

18 2. A written knowledge test of rules of the supreme court of Arizona
19 and statutes of this state relating to court reporters.

20 C. The board shall review the content and subject matter of the
21 examination and shall make changes as deemed necessary.

22 D. The supreme court shall specify a date and place for the
23 examinations.

24 E. ~~An applicant who has passed~~ PURSUANT TO RULES ADOPTED BY THE
25 SUPREME COURT, AN APPLICANT WHO PRESENTS PROOF OF HAVING PASSED AN
26 EXAMINATION APPROVED BY THE SUPREME COURT INCLUDING a national court
27 reporters association's registered professional reporter examination, ~~or a~~
28 national court reporters association's registered merit reporter examination,
29 A NATIONAL VERBATIM REPORTERS ASSOCIATION'S CERTIFIED VERBATIM REPORTERS
30 ASSOCIATION EXAMINATION OR AN ALTERNATIVE DEMONSTRATION OF PROFICIENCY
31 APPROVED BY THE SUPREME COURT and the test prescribed by subsection B,
32 paragraph 2 may apply for certification without taking and passing the
33 examination prescribed by subsection B, paragraph 1. ~~if the applicant submits~~
34 ~~all of the following:~~

35 ~~1. Proof that the applicant holds a current national court reporters~~
36 ~~association's registered professional reporter or registered merit reporter~~
37 ~~designation.~~

38 ~~2. A copy of the applicant's national court reporters association's~~
39 ~~registered professional reporter or registered merit reporter certificate.~~

40 F. An applicant who fails to pass the examination prescribed by
41 subsection B, paragraph 2 may apply for reexamination at any time.

42 G. An applicant shall be disqualified from taking any future
43 examination if the board determines that the applicant engaged in fraud,
44 dishonesty or corruption while taking the examination.

1 Sec. 10. Section 32-4025, Arizona Revised Statutes, is amended to
2 read:

3 32-4025. Administration of oaths

4 A certified ~~court~~ reporter may administer oaths and affirmations.

5 Sec. 11. Section 32-4041, Arizona Revised Statutes, is amended to
6 read:

7 32-4041. Revocation or suspension of certificate

8 A. The board may revoke or suspend a certificate issued under this
9 chapter for any of the following reasons:

10 1. Unprofessional conduct.

11 2. Violations of this chapter.

12 3. Gross negligence or incompetence in the performance of duties.

13 4. Fraud, dishonesty or corruption.

14 5. Inability to perform the duties of a ~~court~~ CERTIFIED reporter at a
15 level of skill that is required by the board.

16 6. Aiding or assisting another person to engage in the verbatim
17 reporting of any judicial proceeding if the other person is not a certified
18 ~~court~~ reporter.

19 7. Conviction by final judgment of a felony offense or any other
20 offense involving moral turpitude.

21 8. The court has ordered treatment for a certified ~~court~~ reporter
22 pursuant to title 36 or has found a certified ~~court~~ reporter to be
23 incapacitated pursuant to title 14.

24 B. Before revoking or suspending a certificate, the board shall give a
25 certificate holder notice and an opportunity for a hearing, except that if
26 the board finds that the public health, safety or welfare requires emergency
27 action and incorporates a finding to that effect in the order, the board may
28 order the summary suspension of a certificate pending a proceeding for
29 certificate revocation or other action.

30 Sec. 12. Section 32-4042, Arizona Revised Statutes, is amended to
31 read:

32 32-4042. Certificate reinstatement

33 A ~~court-reporter~~ PERSON whose certificate was suspended or revoked BY
34 THE BOARD may apply in writing for a reinstatement of the certificate on a
35 showing of good cause and paying the renewal fee. The board may grant or
36 deny the request, may require the applicant to take or retake the examination
37 for certification and may impose other conditions for reinstatement.

38 Sec. 13. Heading change

39 The chapter heading of title 32, chapter 40, Arizona Revised Statutes,
40 is changed from "BOARD OF CERTIFIED COURT REPORTERS" to "BOARD OF CERTIFIED
41 REPORTERS".

42 Sec. 14. Applicability

43 The requirements for certification of voice writing reporters
44 established by section 32-4003, Arizona Revised Statutes, as amended by this
45 act, apply from and after December 31, 2006.

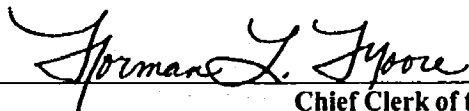
Passed the House April 4, 2005,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting



Speaker of the House

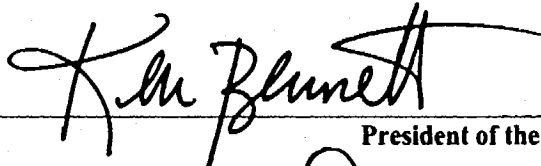


Chief Clerk of the House

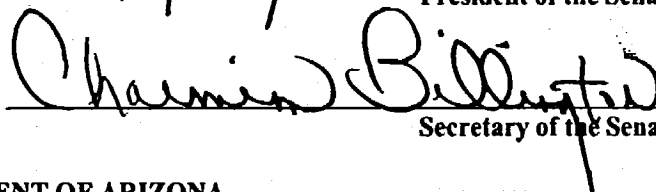
Passed the Senate March 1, 2005,

by the following vote: 27 Ayes,

0 Nays, 3 Not Voting



President of the Senate



Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1311

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate April 12, 2005,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

Ken Bennett
President of the Senate
Charmine Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

12th day of April, 2005

at 4:20 o'clock P. M.

Jennifer Ibarra
Secretary to the Governor

Approved this 18 day of

April, 2005,

at 1:45 o'clock P. M.

Jon R. Ryznar
Governor of Arizona

S.B. 1311

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18 day of April, 2005

at 4:42 o'clock P. M.

Janice K. Brewer
Secretary of State